



United States Department of the Interior



BUREAU OF LAND MANAGEMENT

California State Office
2800 Cottage Way, Suite W1834
Sacramento, CA 95825
www.ca.blm.gov

May 17, 2005

In Reply Refer To:
4700 (CA930)P

EMS TRANSMISSION: 5/17/05
Instruction Memorandum No. **CA-2005-037**
Expires: 9/30/06

To: District Manager, CA Field Managers
Attention: Wild Horse and Burro Specialists

From: State Director

Subject: Bureau of Land Management (BLM) Employees Adopting, Purchasing, and Boarding
Wild Horses and Burros

This memorandum will strengthen existing policy regarding BLM employees adopting wild horses and burros and establish new policy for California regarding BLM employees boarding untitled wild horses and burros at their personal residence. The wild horse and burro program continues to be highly scrutinized by the public and our personal participation in the adoption program must remain beyond reproach.

We appreciate that many BLM employees have offered their personal time to adopt wild horses and burros and present those animals to the public as part of outreach and adoption promotion activities. The employees and their animals have brought tremendous pleasure to the public at events around the state and have contributed to a favorable public impression of the wild horse and burro program, our employees, and the BLM in general. Maintaining public confidence can only be ensured when there is a trust that our employees are held to the same or higher standards than we expect of our customers. The following policy is not intended to discourage employees from adopting wild horses and burros or continuing to provide a high level of customer service. It is intended to maintain public confidence in our program and ensure employees do not expose themselves to situations that could compromise their integrity.

Adoption

Washington Office Instruction Memorandum No. 98-05, BLM Employees Adopting Wild Horses and Burros (Attachment 1), establishes policy regarding employees adopting wild horses and burros. Supervisors will ensure that every employee working in the wild horse and burro program has a copy of the policy and understands all of its provisions. Supervisors will also take note of item 6 that states:

“As part of the approval process, managers will counsel employees and contractors that apply to adopt a wild horse or burro on the applicable ethics and conduct matters and ensure that no real or apparent use of public office for private gain has occurred.”

Managers will document the conversation with their employee and that conversation record will be placed in the adoption case file. No BLM employee may adopt a wild horse or burro without first completing the appropriate counseling with their supervisor.

Sale

Recently issued Washington Office Instruction Memorandum No. 2005-101, Directions for the Sale of Wild Horses and Burros (Attachment 2), Section G., identifies procedures to be followed when BLM employees request to purchase a wild horse or burro under provisions of the Department of the Interior's Fiscal Year 2005 Omnibus Appropriation Act (PL 108-447, Division E, Title 1, Section 142) that amended the Wild Free-Roaming Horses and Burros Act (Public Law 92-195) and directed the sale of wild horses and burros that meet specific criteria.

As with employees adopting wild horses and burros, supervisors will counsel their employees on the applicable ethics of conduct matters and ensure that no real or apparent use of position or public office for private gain will occur. This conversation will be documented by the supervisor and included with all relative paperwork associated with the sale.

Boarding

It has been a common practice for California employees to temporarily board untitled wild horses and burros at their personal residences. The primary reasons for this have been to care for orphaned foals or to assist other adopters who need assistance. While these efforts are praiseworthy, they can frequently place the employee in a difficult position either financially or in conformance with policy and regulation.

Employees may continue to make their personal residences available for caring for orphaned foals. The animals are better served with the special, 24 hour care, they can receive at an employee's home. Before an employee may provide temporary boarding for an orphaned foal, the employee must first receive counseling from their supervisor on the applicable ethics of conduct matters and ensure that no real or apparent use of position or public office for private gain will occur. In addition, the supervisor will provide written permission for the employee to temporarily house the animal at the employee's residence, documenting the animal description, address of the residence, and the approximate period of time the animal will be housed. Under no circumstance will the employee be able to directly adopt the orphaned foal. The foal must be returned to the corrals and made available for adoption following all normal adoption procedures.

Of concern has been the California practice of BLM employees providing temporary boarding for adopters who are unable to care for their adopted animals. This places the employee in a possibly difficult situation regarding incurred expenses or ownership of the animals. In addition, the employees are unwittingly assisting the adopter of circumventing their responsibility to provide appropriate maintenance and care as required by their adoption agreement. The Regulations at 43 CFR 4750.3-2, Qualification Standards for Private Maintenance, and 43 CFR 4750.4-1 Maintenance and Care Agreement, establish that the adopter is responsible to provide appropriate care for their adopted animals and are financially responsible for costs incurred. If an adopter is unable to provide care for their untitled animals, they have the option of contracting for that care from an appropriate boarding stable or relinquishing the animal to BLM.

It is California BLM policy that employees are prohibited from providing temporary boarding for untitled animals that are the responsibility of another adopter. There are no exceptions to this rule. If contacted by an adopter seeking assistance, the employee will remind the adopter of their responsibility under their adoption agreement and may provide a list of boarding stables that meet BLM adoption standards and are located in the adopter's community. The BLM employee will only provide a listing and not recommend one boarding stable over others.

Questions about the information contained in this memorandum should be directed to Tony Danna, Deputy State Director, Natural Resources, at (916) 978-4630, or Tom Pogacnik, California Wild Horse and Burro Program Manager, at (916) 978-4637.

Signed by:
James Wesley Abbott
Associate State Director

Authenticated by:
Richard A. Erickson
Records Management

cc: Wild Horse and Burro Program Employees

2 Attachments

WO IM No. 98-05 (2pgs)

WO IM No. 2005-101 (9pgs)

UNITED STATES DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
WASHINGTON, D.C. 20240

October 22, 1997

In Reply Refer To:
4750 (NPO-960)N

EMS TRANSMISSION 10/28/98
Instruction Memorandum No. 98-05
Expires: 9/30/99

To: All SD's (except Alaska)

From: Assistant Director, Renewable Resources and Planning

Subject: BLM Employees Adopting Wild Horses and Burros

A concern has been expressed by some of our customers that Bureau of Land Management (BLM) employees, their immediate family members, and Wild Horse and Burro (WH&B) Program contractors may have received special treatment when adopting wild horses or burros. This concern was analyzed by the Wild Horse and Burro Adoption Program Policy Analysis Team, which made recommendations (the Culp report) that were adopted by the Director on April 27, 1997. The intent of this memo is to ensure that all Bureau offices are implementing those recommendations.

We appreciate that many employees have been using their adopted animals to promote the adoption program or other public service activities, and we are grateful to those employees that have assisted in the care, feeding and even adoption of orphan foals, aiding in their survival. However, every effort should be taken to make sure BLM employees, their immediate family members, and WH&B Program contractors do not receive preferential treatment and to assure the public that we are taking steps to prevent this. The following procedures will be followed when a BLM employee, their immediate family members, and WH&B Program contractors are adopting a wild horse or burro.

1. All regulations germane to adoption will be applied equally to all adopters. However, no employees or their immediate family members or contractors will be allowed to adopt a wild horse or burro at a reduced fee. An exception will be made for orphaned foals. They may be adopted at a reduced or waived fee under the following circumstances: (1) there is no one from the public available to adopt and care for the foal and (2) adoption takes place through a process that is open to the public. An orphaned foal represents an emergency situation; the primary consideration must be the health and welfare of the animal.

2. All adoption procedures will be clearly laid out well in advance of the adoption event and will be widely disseminated to the public.
3. Bureau employees, their immediate family members, and WH&B Program contractors will comply with all of the adoption procedures established by the office conducting the adoption.
4. Bureau employees, their immediate family members, and WH&B Program contractors will adopt on their own time and not as a working employee at an event. They will go through the same animal selection process for adoption as the general public with no preferential treatment.
5. Bureau employees, their immediate family members, and WH&B Program contractors will submit an application to the office of jurisdiction where they are adopting and have the application approved by the field office manager.

If the prospective adopter is the field office manager for that office, or an immediate family member of the field office manager, that application must be approved by the manager's supervisor.

6. As part of the approval process, managers will counsel employees and contractors that apply to adopt a wild horse or burro on the applicable ethics and conduct matters and assure that no real or apparent use of public office for private gain has occurred.
7. Employees, their immediate family members, and WH&B Program contractors are not allowed to adopt repossessed or returned wild horses or burros except through adoption events open to the general public.

The BLM encourages employees to adopt and train wild horses and burros for their personal use. However, it is imperative that BLM employees not receive any preferential treatment. Further, it is important that the public understand that BLM employees do not, and will not, receive special treatment in the adoption process.

If there are any questions or concerns regarding this policy, please call Lili Thomas of the Wild Horse and Burro National Program Office at (702) 785-6583 or Bud C. Cribley of the Washington Office at (202) 452-5073.

Signed by:
Maitland Sharpe
Assistant Director
Renewable Resource & Planning

Authenticated by:
Robert M. Williams
Directives and Records
Group, WO540

UNITED STATES DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
WASHINGTON, D.C. 20240
<http://www.blm.gov>

March 11, 2005

In Reply Refer To:
4700 (WO-260) P

EMS TRANSMISSION: 03/14/05
Instruction Memorandum No. **2005-101**
Expires: 09/30/2006

To: All Field Officials (except Alaska)

From: Assistant Director, Renewable Resources and Planning

Subject: Direction for the Sale of Wild Horses and Burros

Program Area: Wild Horse and Burro Program

Purpose: This Instruction Memorandum (IM) outlines policy for the implementation of the Department of the Interior's (DOI) Fiscal Year 2005 Omnibus Appropriation Act (PL 108-447, Division E, Title 1, Section 142) that amended the Wild Free-Roaming Horses and Burros Act (Public Law 92-195) and directed the sale of wild horses and burros that meet specific criteria. The intent of this policy's procedures is to provide a means to sell animals to individuals, organizations, and Tribal governments who will provide good homes and humane care.

Policy/Action:

A. Sale Eligibility Criteria

Congress has directed that any excess animal more than 10 years of age or that has been offered unsuccessfully for adoption at least 3 times shall be sold. Based on that direction, any wild horses and burros being held in either short or long term holding facilities meeting either of the following criteria will not be available for adoption and will be prepared and made available for sale:

1. Horse or burro that becomes 11 years of age as of January 1.
[Example: Animals born in 1994 are sale eligible on January 1, 2005], or
2. Horse or burro that has been offered unsuccessfully for adoption at three adoption events, as defined below.
 - a. Adoption Event: Either a Satellite or an Internet adoption.
 - i. Satellite Adoption: Organized event that is advertised and held at a location other than a Bureau of Land Management (BLM) or contract holding, preparation or training facility.

- ii. Internet Adoption: Animals offered for adoption through the National Internet adoption site administered by the Eastern States Office (ESO).
- b. Number of times offered for adoption: This is a count of the number of adoption events that an animal has attended and been offered for adoption. Each adoption event will count as one time no matter how many days the event lasted or the number of times competitive bidding was conducted during a multi-day adoption event. The Wild Horse and Burro Information System (WHBIS) database is the official record of the number of events an animal has attended.

A sale eligible animal that will be transported after purchase must also meet the following criteria:


- a. Has a Henneke body condition score of 3 or greater;
- b. Has vision in at least one eye;
- c. Is able to bear weight on four legs;
- d. Meets the requirements for a valid health certificate.

No animal will be sold that has received a fertility control treatment during the previous 3 years.

B. Preparation Requirements for Sale Eligible Animals

1. Freeze Marking

All new sale eligible animals removed from the range will be marked with the standard alpha angle animal identification freeze mark applied to the left side of the neck.

In addition to the standard identification freeze mark, all sale eligible animals will be freezemarked with a 3-inch  symbol on the left side of the neck to distinguish between animals that are sold and those adopted. The new mark should be placed immediately to the right, adjacent to and on the same level as the identification freezemark. This may not be possible in a few situations and alternative placement locations in order of preference are first, below the identification freeze mark and second above.

Four digit hip numbers will not be applied to sale eligible animals unless they are going to be shipped to long-term holding.

2. Vaccinations, Deworming, and Coggins Test

To safeguard the health and immunity of all animals held in short-term holding facilities, routine vaccinations, deworming and Coggins tests will be administered to new sale eligible animals removed from the range and those being held in accordance with Preparation Handbook 4750-1 and Instruction Memo 2002-261 “Wild Horse and Burro vaccination for West Nile virus and rabies”. Facility managers will determine whether to update soon-to-expire vaccinations and deworming for animals that have been selected by a purchaser unless current vaccinations and deworming have been negotiated by the National Point of Contact (NPOC) as a condition of sale.

3. Animal Identification: Identification and age of sale eligible animals will be based on the following:

- a. Freeze mark on neck if visible.
 - b. Freeze mark numbers on the left hip if visible (long-term holding animals).
 - c. Signalment key.
 - d. WHBIS data base
 - e. Animals that cannot be identified due to unreadable freeze marks will be re-aged and branded with a new freeze mark. Animals will be re-aged by a veterinarian or other individual determined to be qualified.
4. Maintenance of Animals at Short-Term Holding

Facility managers will determine how and where to hold sale eligible animals in their facilities.

C. Sale Methods

Animal sales are to be conducted separately and not as a part of adoption events. Sales may occur through two methods.

1. Negotiated Sales: Initially all sales will be negotiated and conducted by a NPOC located in the Washington Office (WO) 260 Division. Negotiation of sales may include purchase price and transportation costs. Potential purchasers should be directed to the NPOC through:
 - 1-800-710-7597 or;
 - wildhorse@blm.gov.

The NPOC will coordinate with the National Shipping Coordinator and the long-term holding facilities' Contracting Officer's Representative (COR) to determine the availability of sale animals. The NPOC will fax or send an electronic signed approval for each negotiated sale to the appropriate Facility Manager or the COR to provide notification of sale terms and conditions, and to authorize completion of the sale.

State Directors should consider further Delegation of Authority to expedite sales and facilitate expedient service to purchasers.

When there is evidence that may indicate a purchaser does not intend to provide a good home, the NPOC will contact the Group Manager for further consideration.

2. Direct Sales: Direct sales at all short-term holding facilities open to the public may begin at a future date determined by the Assistant Director, WO-200.
 - a. Sale eligible wild horses or burros may be offered at a fee or fees to be established by the WO-260 Group Manager.
 - b. No more than four animals will be sold per purchase. Refer the prospective purchaser's request for additional animals to the NPOC for further consideration.

- c. When there is evidence that may indicate a purchaser does not intend to provide a good home, the Facility Manager will contact the NPOC.
- d. Purchasers will provide transportation.
- e. State Directors should consider further Delegation of Authority to expedite sales and facilitate expedient service to purchasers. State Directors will be notified when direct sales will occur.
- f. All requests for deviation from the above listed direct sale guidelines will be referred to the NPOC and will be treated as a negotiated sale.

D. Sale Requirements

- 1. Each purchaser will be provided the following:
 - a. Bill of Sale (see attachment 1): Animal ownership will be transferred by an original bill of sale issued to purchasers. A copy will be maintained for Bureau records.
 - b. An individual wild horse and burro health and identification report.
- 2. No Certificate of Title will be issued for any animal that is sold. The bill of sale will be proof that the purchaser owns the animal.
- 3. Animals that are sold will have a current negative equine infectious anemia test record, and as required by State laws, a brand and Certificate of Veterinary Inspection (health certificate).
- 4. Animals will be loaded out according to local facility policies. Transportation vehicles will comply with the standards listed in 43 CFR 4740.2, and no animal will be loaded in any conveyance that has the animal cargo space divided into two or more stacked levels.
- 5. Sales are final upon pick-up when animals leave a facility. Purchased animals will not be held at a facility after a sale is finalized.
- 6. Payment is due at the time of purchase. Acceptable forms of payment are cash, credit card, certified checks, money orders, and personal checks.
- 7. Obtain WO authorization before disclosing, either verbally or in writing, any information from a bill of sale to anyone except DOI officers and employees who have a need for the information in the performance of their duties. **Civil and/or criminal penalties may result from disclosure that is prohibited by the Privacy Act.**

E. Wild Horse and Burro Information System Data Entry Requirements

- 1. Shipping: Offices that ship animals directly to or from satellite adoption events are required to enter WHBIS shipping records to document the shipment. The ESO is required to enter a WHBIS shipping record using the new "Ship Type Code" of "I" for each animal offered for adoption on the National Internet adoption site.

2. **Sale Information:** Sale information will be entered into WHBIS through the new “Bill of Sale” screen prior to the completion of a sale. WHBIS will produce a completed Bill of Sale form ready for signature. When advance entry is not possible, the Bill of Sale form may be completed by hand entry and the required purchase information will be entered in WHBIS after the sale is completed.

F. Project Code and Sales Subactivity Codes

1. **Project Code:** All labor and operational expenses associated the sale of wild horses and burros will be coded to the new project code “SALE.” Work to prepare animals for sale and conduct sales will be coded to program element “HI” and project code “SALE.”
2. Income generated by animal sales will be deposited to the new 1061 subactivity. A new subactivity code of 1062 has been established for the expenditure of monies received from sales.

G. Sale of Wild Horse or Burros to BLM Employees or Contractors

Bureau employees, their immediate family members, and WH&B Program contractors will comply with all sale procedures established above and the following:

1. Bureau employees and their immediate family members will submit a purchase proposal to the NPOC, referencing the office of jurisdiction or facility where they desire to purchase wild horses or burros. Upon approval by the NPOC, the proposal must also be approved by the State Director, Assistant Director, WO-200, or their designees as appropriate within their scope of authority. As part of the approval process, employees will be counseled on the applicable ethics of conduct matters and assure that no real or apparent use of position or public office for private gain will occur. Bureau employees will purchase animals on their own time, and not while working as an employee, and will participate in the same animal selection process available to the public.
2. WH&B Program contractors will submit a purchase proposal to the NPOC for animals they desire to purchase. They will participate in the same animal selection process for sales as is available to the public with no preferential treatment.

Timeframe: This policy is effective immediately and will expire on September 30, 2006.

Budget Impact: Preparation and sale of animals may cost up to \$1 million in fiscal year 2005. Savings in feed costs could offset some of these expenses.

Background: On December 8, 2004, the Department of the Interior’s Fiscal Year 2005 Omnibus Appropriation Act (PL 108-447, Division E, Title 1, Section 142) amended the Wild Free-Roaming Horses and Burros Act (Public Law 92-195) and directed the sale of wild horses and burros that meet specific criteria.

Manual/Handbook Sections Affected: This policy supplements Wild Horse and Burro Preparation Handbook H-4750-1 and Adoption Handbook H-4750-2.

Coordination: This policy was developed by a team composed of WH&B Specialists with diversified experience and a United States Department of Agriculture Animal and Plant Health

Inspection Service Veterinarian. Procedures will be coordinated with the National Advisory Board, State Animal Health and Brand Officials, and affected agencies at the time of implementation.

Contact: Questions concerning this policy should be directed to Dean Bolstad in the Wild Horse and Burro National Program Office at (775) 861-6611.

Signed by: Edward Shepard
Assistant Director, Renewable
and Planning

Authenticated by: Glenda Barnes
WO-560 Policy and Records Group

United States
Department of the Interior
Bureau of Land Management
Bill of Sale for Wild Horse(s) and Burro(s)

This is to certify that on this ____ day of _____, 20____, at _____,
(City)

USDI, Bureau of Land Management, _____
(Office or Facility Name)

Address _____
(Address of BLM Office or Facility)

Sold to _____
(Name of Purchaser)

Of _____
(Purchaser Address)

Telephone # (with area code) _____

The following (number) _____ wild horse(s) and/or (number) _____ burro(s).

I/We (purchaser(s)) intend and desire to provide humane care to the wild horse (s) and/or burro (s) listed. I/We understand that this/these horse (s) and/or burro (s) is/are wild, ungente animals, and due to their age and temperament may never become accustomed to human contact or be trainable for handling like domestic livestock. I/We also understand that I/we need adequate facilities to contain and care for these animals. I/we acknowledge that the seller makes no express or implied warranties as to the merchantability or fitness for any particular purpose for any wild horses or burros purchased under this program. I/we have read the above statement and understand these terms.

Per Public Law 92-195, as amended, the wild horse (s) and/or burro (s) listed "Shall no longer be considered to be a wild free-roaming horse or burro." Sale of animals is final upon pick-up and will be the responsibility of the purchaser.

Authorized Officer

Signature of Purchaser

(Date)

(Date)

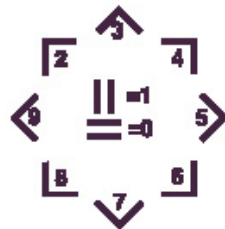
Form of Payment:_____

Bill of Sale
(Continuation Sheet)

#	Freezemark	Signalment Key	Price
1			
2			
3			
4			
5			
6			
7			
8			
9			
10			
11			
12			
13			
14			
15			
16			
17			
18			
19			
20			
		Total Price	\$

Bill of Sale Attachment

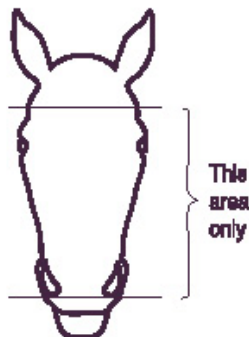
ALPHA ANGLE CODE FOR FREEZE MARK INTERPRETATION



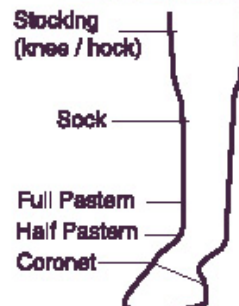
SIGNALMENT KEY CODES USED FOR DESCRIBING ANIMALS

SPECIES	SEX	FACE WHORLS	LEG MARKINGS				FACE MARKINGS	COLOR	
{Col. 1}	{Col. 2}	{Col. 3}		{Col. 4}	{Col. 5}	{Col. 6}	{Col. 7}	{Col. 8}	{Col. 9}
Horse H Burro B Mule M	Gelding G Male M Female F	One 1 Two 2 Three 3 Four 4	WHITE MARKINGS No White Coronet Half Pastern Full Pastern Sock Stocking Over Knee / Hock OTHER MARKINGS Striped Below Knee Striped Above Knee Not Examined Other	Rt. Fore A B C D E F G	Rt. Hind A B C D E F G	L. Fore A B C D E F G	L. Hind A B C D E F G	HORSES AND LIGHT MUZZLED BURROS No Marking Star Strip Snip Star-Strip Star-Snip Strip-Snip Star-Strip-Snip Blaze Bald Frosted DARK MUZZLED BURROS No Markings Star Strip Snip Star-Strip Star-Snip Strip-Snip Star-Strip-Snip Blaze Bald Frosted	White Bay Black Brown Sorrel Chestnut Gray Grulla Roan-Strawberry Roan-Red Roan-Blue Buckskin Dun Pinto Palomino Appaloosa Pink Burro Blue Burro Red Burro Other
									A B C D E F G H I J K L M N O P Q R S Z

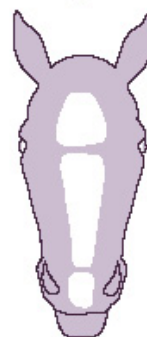
FACE WHORLS



HEIGHT OF WHITE LEG MARKINGS



WHITE FACE MARKINGS



STAR, STRIP, and SNIP is a merging of these three marks;

Star BLAZE is a broad, white marking covering almost all of the forehead but not including the eyes and nostrils;

Strip BALD is a white face including the eyes and nostrils.

Snip